

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lorna Saylor,)	
)	C/A No. 5:05-1958-MBS-BM
Plaintiff,)	
)	
vs.)	
)	O R D E R
Orangeburg Consolidated School District)	
(4) and Yvonne Cooke,)	
)	
Defendants.)	
_____)	

Plaintiff Lorna Saylor brought this action pro se, alleging that Defendant Yvonne Cooke, a teacher at Defendant Orangeburg Consolidated School District, provided erroneous information to an investigator for the Social Security Administration regarding benefits sought by Plaintiff on behalf of her granddaughter. Plaintiff has previously filed a case in this District raising the same claims against the same individuals named in the captioned matter. See Saylor v. Orangeburg Consolidated School District, Civil Action No. 5:05-1854-MBS-BM. This court takes judicial notice of Civil Action No. 5:05-1854-MBS-BM, and the Report and Recommendation and Order in that matter are incorporated herein by reference. The captioned case is subject to summary dismissal for the same reasons the complaint in Civil Action No. 5:05-1854-MBS-BM was subject to summary dismissal.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. The Magistrate Judge filed a Report and Recommendation on July 1, 2005 in which he recommended that the complaint be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed a response in which she requested that the captioned case be continued on September 1, 2005. Plaintiff did not file a document objecting to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to the court, which has no presumptive weight. Mathews v. Weber, 423 U.S. 261, 270 (1976). The responsibility for making a final determination remains with this court. Id. The district court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The district court is obligated to conduct a *de novo* review of every portion of the Report and Recommendation to which objections have been filed. Id. However, the court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982).

The court has reviewed the record thoroughly. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

November 21, 2005

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that she has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.